

MEETING OF STATE FIRE SAFETY COMMITTEE

Department of Fire, Building and Life Safety

Wednesday, February 29, 2012

10:00 a.m.

1110 West Washington, Room 250

Phoenix, Arizona 85007

REPORTER'S TRANSCRIPT

OF

PROCEEDINGS

Marge Harcarik  
Certified Reporter  
CR Cert. No. 50281

**A P P E A R A N C E S**

COMMITTEE MEMBERS PRESENT:

ROBERT BARGER, State Fire Marshal

MARK S. BURDICK

LISA GERWITZ

JOHN GILMORE

RANDY KARRER

RICHARD KOCHANSKI

RUSSELL LOUMAN

RICK SOUTHEY

STAFF MEMBERS PRESENT:

GENE PALMA

AMY MICHAELS

MARY WILLIAMS

ALSO PRESENT;

**P R O C E E D I N G S**

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FIRE MARSHAL BARGER: I'd like to call the meeting of the State Fire Safety Committee to order for February 29, 2012, at 10:00 a.m. The next order of business is to do roll call.

Mark Burdick.

COMMITTEE MEMBER BURDICK: Here.

FIRE MARSHAL BARGER: Lisa Gerwitz.

COMMITTEE MEMBER GERWITZ: Here.

FIRE MARSHAL BARGER: John Gilmore.

COMMITTEE MEMBER GILMORE: Here.

FIRE MARSHAL BARGER: Randy Karrer.

COMMITTEE MEMBER KARRER: Here.

FIRE MARSHAL BARGER: Richard Kochanski.

COMMITTEE MEMBER KOCHANSKI: Here.

FIRE MARSHAL BARGER: Eric Krznarich, I think, is not here.

Russell Louman.

COMMITTEE MEMBER LOUMAN: Here.

FIRE MARSHAL BARGER: Patrick Moore, not here.

Rick Southey.

COMMITTEE MEMBER SOUTHEY: Here.

FIRE MARSHAL BARGER: Okay, the third item -- then also from staff.

1 I am Bob Barger, the Arizona State Fire  
2 Marshal.

3 We have Gene Palma, the Director of the  
4 Department of Fire, Building and Life Safety.

5 Amy Michaels, who will be taking our notes and  
6 keeping us in order.

7 And then in the back, if you all would like to  
8 introduce yourselves, please.

9 (Several people introduce themselves, not  
10 audible to court reporter.)

11 MS. MICHAELS: We're all going to have to speak  
12 really loud, because Marge is going to be recording this.  
13 Just talk this way, and loudly, please.

14 FIRE MARSHAL BARGER: I'd also like to  
15 introduce Mary Williams with the Attorney General's  
16 office. She'll be handling the rules for us.

17 The next order of business, because we are not  
18 really part of this committee, is the selection of the  
19 Committee Chair. So, this group must themselves, if there  
20 is not a volunteer, has to vote a Committee Chair.

21 And then from that point on, the Committee  
22 Chair will manage the meeting. So, I don't know exactly  
23 how we go about that, if we don't have a volunteer.

24 COMMITTEE MEMBER GERWITZ: Have the Committee  
25 folks on this Committee been on this Committee a long

1 time?

2 FIRE MARSHAL BARGER: No, this is a new  
3 Committee.

4 COMMITTEE MEMBER GERWITZ: Like a brand new  
5 group?

6 FIRE MARSHAL BARGER: The last meeting of this  
7 group was in May of 2008. Not this group, but of the  
8 State Fire Safety Committee. There has been a lot of  
9 issues in between now and then have come up.

10 Mark?

11 COMMITTEE MEMBER BURDICK: As the Fire Marshal  
12 I would nominate Randy Karrer to serve.

13 COMMITTEE MEMBER SOUTHEY: You should have  
14 spoken up and done it to him.

15 COMMITTEE MEMBER GILMORE: I'll second that.

16 COMMITTEE MEMBER KARRER: Man, you guys are  
17 killing me. On leap day.

18 MS. WILLIAMS: Do you want to do it by a motion  
19 and let the members vote on it?

20 COMMITTEE MEMBER BURDICK: I make a motion to  
21 appoint or elect Randy Karrer, Chief Karrer, as our  
22 Chairman.

23 COMMITTEE MEMBER SOUTHEY: I'd be happy to  
24 second that.

25 FIRE MARSHAL BARGER: So, from this point on --

1 MS. WILLIAMS: We've got to vote.

2 FIRE MARSHAL BARGER: Call for a vote. All in  
3 favor?

4 (Affirmative responses.)

5 FIRE MARSHAL BARGER: Any opposed?

6 (No response.)

7 COMMITTEE MEMBER SOUTHEY: I have a question  
8 though. Since I have not been confirmed, am I a voting  
9 member?

10 MS. WILLIAMS: You haven't been confirmed?

11 FIRE MARSHAL BARGER: Yes, I talked to the  
12 Board of Commissions, and they said as long as there was  
13 nobody filling the spot, that even though you have not  
14 been confirmed, you can still act on the Committee, and  
15 there was nobody active on it, except for Lisa, on the  
16 Committee.

17 COMMITTEE MEMBER GERWITZ: I'm the only active  
18 person.

19 FIRE MARSHAL BARGER: Okay, so all the spots  
20 that have been filled by you all were vacant spots. So,  
21 yes, you can.

22 Okay, where were we? You had one question?

23 COMMITTEE MEMBER SOUTHEY: That was it.

24 FIRE MARSHAL BARGER: Everybody voted, and it  
25 was unanimous. SO, Randy Karrer is the Chair.

1 CHAIRMAN KARRER: That got hit by the train.

2 MS. WILLIAMS: Do we need a gavel?

3 FIRE MARSHAL BARGER: For the Fire Safety  
4 Committee, we don't have a gavel.

5 CHAIRMAN KARRER: But that's all right.

6 FIRE MARSHAL BARGER: But you do have a copy of  
7 the agenda before you?

8 CHAIRMAN KARRER: I do.

9 FIRE MARSHAL BARGER: And I'll just interject  
10 as we go through. You just need to call the items on the  
11 agenda.

12 COMMITTEE CHAIR KARRER: Absolutely.

13 So, the next item on the agenda, since I got  
14 hit by the train, by my friend Mark Burdick. A training  
15 on the open meeting law, and meeting procedures.

16 Counsel?

17 MS. WILLIAMS: Can I stay here?

18 COMMITTEE MEMBER BURDICK: Yes, you're fine.

19 MS. WILLIAMS: I'm Mary Williams. I'm from the  
20 Licensing and Enforcement Section of the Attorney  
21 General's office, and we represent various State  
22 agencies. Most of them issue professional licenses, but  
23 we do have some other ones, so we just do all of them.

24 Bob asked me if I would do a little bit of  
25 training on the open meeting law and meeting procedures,

1 since I think most of you are new to this.

2           Have any of you been on other public bodies,  
3 and are familiar with the open meeting law? Okay.  
4 Hopefully, I will get to basics. If you've heard it and  
5 want me to shut up, feel free to interject. I try not to  
6 go into too much detail. I just want to touch on a few of  
7 the more common things and just a couple of things that  
8 can get you in trouble, that sometimes you don't think  
9 about.

10           So, obviously, the purpose of the open meeting  
11 law is to publicize and conduct meetings in public so  
12 members of the public who want to come and attend can do  
13 so, and they can listen to the deliberations and  
14 proceedings. And in order to comply with the open meeting  
15 law you have, the public body has to post a notice and  
16 agenda so that the public knows exactly what the public  
17 body is going to talk about, and we have done that for  
18 your meeting today. The open meeting law applies to all  
19 public bodies, and it now includes committees. There was  
20 a time limit that it didn't really cover committees, but  
21 now committees are covered by it.

22           And the actions and activities that are covered  
23 are basically all legal actions that the public body is  
24 going to take. By legal action, we don't just mean formal  
25 vote of the public body. What you're doing today by going



1 through all these agenda items is considered legal  
2 action. It is formally defined in the statute as a  
3 collective decision commitment or promise made by a public  
4 body pursuant to a specified scope of appointment and the  
5 laws of the State. So this committee has specified  
6 statutes, and in Title 41, Section 2146 sets out what this  
7 Committee's purpose is. And so, that's what you deal  
8 with. That's what's in your jurisdiction.

9           Legal action includes all discussions,  
10 deliberations, considerations or consultations among a  
11 majority of the members of a public body regarding matters  
12 that may foreseeably require final action or a final  
13 decision. So therefore, all that has to be done in a  
14 public meeting or in an authorized executive session. A  
15 meeting, as defined, is a gathering in person or through  
16 technological devices of a quorum of members of a public  
17 body, at which they discuss, propose, or take legal  
18 action, including any deliberation. This Committee has  
19 nine members set by statute, so you have to have five in  
20 attendance in order to conduct your business. And it's a  
21 quorum based on what is set out in the statute, not a  
22 quorum of you sitting. Sometimes the Governor is not  
23 quick to appoint people, but you always go by your  
24 statutory number to get your quorum.

25           CHAIRMAN KARRER: Which is nine.

1 MS. WILLIAMS: Yes, which is nine. So for a  
2 quorum, you need five. We could have a situation during a  
3 meeting that you might lose a quorum if you have some  
4 people that have to be excused or have conflicts. I don't  
5 foresee that happening too much here, but it can happen.  
6 And the minute a public body loses a quorum, you have to  
7 stop.

8 CHAIRMAN KARRER: The meeting is over.

9 MS. WILLIAMS: Or you can move on to different  
10 items if you only lose them for a particular item.

11 And a common question we've gotten over the  
12 years is, you know, let's say only four of you showed up  
13 today. They'll ask, can we just talk about things and not  
14 actually vote on it, and the answer is no. You can't do  
15 anything. And we actually had that happen a couple months  
16 ago, that a quorum didn't appear, so the meeting had to be  
17 cancelled.

18 FIRE MARSHAL BARGER: We'll try to do that  
19 before you drive down from Bullhead, Ricky.

20 MS. WILLIAMS: There is, the open meeting law  
21 allows for telephonic participation, so if you do get in a  
22 situation where you cannot be here in person, you can call  
23 in. That's fine. We prefer that you do it on a land  
24 line, but understanding that in today's world, not  
25 everybody has one anymore, cellphone works, but sometimes

1 we lose the connection.

2           One of the things you have to be careful about  
3 is, outside of a public meeting, you never want to discuss  
4 any kind of Committee business by contacting individual  
5 members one-on-one. Some agencies think, well, some  
6 people think I'm not in a group, and we don't have a  
7 quorum, and it's okay. But if two of you talk about  
8 something that's going to come before you as a Committee,  
9 and then, let's say Mr. Southey calls somebody else and  
10 says, well, I talked to Gilmore, and his opinion is blah,  
11 blah, blah. What do you think? Eventually you're going  
12 to get to a quorum where you now had a discussion on  
13 something that needs to be done in a public forum. So,  
14 you have to be careful about that.

15           E-mails, a lot of public bodies have gotten in  
16 trouble with e-mails because an e-mail will go out, and  
17 then somebody hits the "reply all," and now you've had a  
18 meeting, and that's technically a violation. It has to be  
19 remedied as a public meeting.

20           So just little things that you might not, you  
21 do it completely innocently, and you just have to be  
22 careful for things like that, and especially, this  
23 Committee doesn't meet a lot, so there might be a  
24 temptation to, you know, send an e-mail out. Now, staff  
25 can always e-mail you as a group, but what you don't ever

1 want to do is hit the "reply all." You can contact staff  
2 one-on-one and there is no problem with that. It's just  
3 when you get everybody engaged in the conversation.

4 Now obviously, if you all ever happen to be in  
5 the same place and you want to talk about football, that's  
6 fine. But, not something you have jurisdiction over. But  
7 again, if you happen to be somewhere else and there is a  
8 quorum of you, and if it gets close, you just want to be  
9 careful. It doesn't look good.

10 CHAIRMAN KARRER: Question. So, if staff  
11 sends us an e-mail saying, you know, here's an issue  
12 that's going out across the State, and it's just an  
13 informational e-mail, that's okay. Staff can do that.  
14 They can provide us that information. We just can't  
15 reciprocate back?

16 MS. WILLIAMS: Yes, as a "reply all." Can't do  
17 that.

18 CHAIRMAN KARRER: Got it.

19 MS. WILLIAMS: Any questions so far on any of  
20 that? Okay.

21 Your basic requirements of open meetings law,  
22 as I touched on a little bit, you have to have a notice,  
23 and these notices now are required to be posted on the  
24 public body's website, which we have done, and 24 hours  
25 prior to the meeting. Has to state date, time and place

1 of the meeting.

2           If the agency knows that there may be some  
3 members participating telephonically, or that the entire  
4 meeting is going to be held telephonically, ideally that  
5 should be put into the notice. Sometimes you don't know  
6 until the last minute, so as a business practice, that's  
7 not necessarily a violation. Even if an entire meeting is  
8 going to be telephonic, which does happen at times, all  
9 the members participate by telephone, you still have to  
10 notice it and say what room it's going to be in, so  
11 possibly the public can come listen to what's going on.

12           The notice has to be accompanied by an agenda,  
13 which has to be available 24 hours in advance. And again,  
14 be posted on the website. And then in addition to the  
15 website, the open meeting law suggests that you post it a  
16 number of physical places throughout the building. The  
17 agenda must contain information reasonably necessary to  
18 inform the public of the matters to be discussed or  
19 decided. As you can see on the agenda, you have several  
20 specific items you can talk about.

21           You can vote only on the items that are on the  
22 agenda for action. So, some of these that say review and  
23 discussion, those cannot have a vote today. You can just  
24 talk about them and decide, you know, they will come back  
25 to you at a later date for a vote. If you've got them on

1 as possible action, then that is something that you can  
2 vote on, if you want. You don't have to, but the option  
3 is there if you need to vote on it.

4 Basically, the one, you know, threshold rule on  
5 the agenda, if it is not on there, you cannot talk about  
6 it. You will hear me, or whoever happens to be here, be  
7 very strict on that. That is where public bodies get in  
8 trouble. They start going off their agenda, and the open  
9 meeting law is violated, and all kinds of things have to  
10 happen, and it's not fun.

11 If you see something that you want to be on a  
12 future agenda, you can raise that at the meeting and ask  
13 staff to put it on next time, or you can call them and  
14 say, hey, I'd like to have this on there.

15 You have to, as a committee, take minutes, and  
16 you have a court reporter here. Not very many are able to  
17 do that, so that's good. It is your record of your  
18 meeting, and it will have to be available within three  
19 days so the public can come in and get them. The minutes  
20 have to contain the date, time and place of the meeting;  
21 members that were present; members that are absent;  
22 general description of the matters discussed or  
23 considered; and accurate description of all legal actions  
24 proposed, discussed or taken, and the names of the person  
25 who proposed each action. When somebody makes a motion,

1 it's best practice to identify who it is, who the second  
2 is, and then you want to record the results of the vote.  
3 It can be unanimous. You're not required to do roll call  
4 votes.

5           Some agencies have to on certain issues, but  
6 your Committee does not have to. If it's a close one in a  
7 voice vote, and you can't really tell how many yeas and  
8 nays, then the best practice again is to do a roll call  
9 and see how it goes that way.

10           The executive session. The open meeting law  
11 contains a provision that allows the public body to move  
12 into a secret meeting on very limited items. The most  
13 common one that a public body will do this on is legal  
14 advice. You can go into executive session on any item to  
15 receive legal advice from the Committee's attorney, which  
16 is going to be somebody from my office. And generally, we  
17 put that in every notice just as a catch-all, that the  
18 Committee can go into executive session for legal advice  
19 on any item. That's the only executive session that you  
20 can kind of do that blanket statement in a notice. All  
21 the other ones have to be specific to an agenda item.

22           The most common one that would probably apply  
23 to this Committee, there is a provision where you can go  
24 in to talk about personnel and employment matters, but  
25 it's probably not going to come up too much here. If you

1 can discuss or consider records that are exempt from  
2 public inspection, that may be something down the road. I  
3 didn't see anything on today's agenda that would require  
4 that. But in that instance, if you did have something  
5 that was confidential, we note it specifically on the  
6 agenda, and then you can go into an executive session.

7           If the Committee happens to get sued, and I  
8 probably don't foresee that happening, that's something  
9 you can go into executive session to discuss with the  
10 lawyers, the litigation, your position on that.

11           There's a couple of other ones about purchase  
12 of property and things that I don't think really apply to  
13 you.

14           So, if you do an executive session, you go in  
15 by motion, to go into executive session, and you state the  
16 specific purpose, and it's seconded and you vote. Then  
17 you go into executive session. People that are allowed to  
18 be in there are obviously the members of the public body  
19 and anyone else you believe is reasonably necessary should  
20 be in there, obviously for legal advice, but I have seen  
21 it. I sit on the, our office's open meeting law  
22 committee, so I have seen instances where the public body  
23 will move to go in for legal advice, but there is no  
24 attorney there. So, you can't do that.

25           CHAIRMAN KARRER: That's bad.



1 MS. WILLIAMS: And everything, obviously,  
2 because it is giving you the authority to conduct  
3 something outside of the public purview, is all  
4 confidential and cannot be discussed out of the executive  
5 session. Special minutes are done for an executive  
6 session and kept confidential. The only people that can  
7 see them are the Attorney General's office, if there is an  
8 issue that comes up about the open meeting, or if you want  
9 us to review them. And I believe the Auditor General can  
10 have them too.

11 And then when you're done with your executive  
12 session, you go out. You don't vote, because you never  
13 vote in an executive session. You can never propose any  
14 kind of action. Just really kind of a legal advice. You  
15 ask a question, we answer, kind of a thing. You have to  
16 be very careful on, they are very tightly controlled, but  
17 generally, somebody is going to be there.

18 That's the executive session. Any questions on  
19 that?

20 CHAIRMAN KARRER: Is there any other items,  
21 other than legal advice? You mentioned there were some  
22 other things for executive session.

23 MS. WILLIAMS: If you're going to talk about  
24 something that's confidential, by statute, personnel  
25 matters, yeah. And the confidential one, that comes up

1 more with like health boards, where you have records that  
2 are confidential, but you could have a situation where you  
3 would do that. It's pretty limited.

4 COMMITTEE MEMBER BURDICK: I'm still stuck on  
5 you sitting on the Open Meeting Law Committee and having  
6 the exec sessions. Do you have a secret session on that?

7 MS. WILLIAMS: No, we don't. However we are  
8 subject to it. We are. It wouldn't get all that  
9 complicated. I just did my duty for two weeks in  
10 February, and got six new complaints done, but I'm sure  
11 this Committee will never be the subject.

12 FIRE MARSHAL BARGER: We're a pretty calm  
13 group.

14 CHAIRMAN KARRER: Absolutely.

15 MS. WILLIAMS: Right. You have an item on your  
16 agenda today called "call to the public." That is  
17 something that is authorized by the open meeting law. It  
18 is not required. You don't have to put that on. It's  
19 there if you want to. What that does is allow somebody  
20 from the public, if they're in the audience, to come in  
21 and address the public body on something that is not on  
22 the agenda. You can limit the time that they speak;  
23 three, five, however long you want to let them talk.  
24 Again, that's on the statute. It's up to the Chair how  
25 long you want to let somebody speak. Anything that is

1 raised in a call to the public, the members cannot respond  
2 to, unless it is individual criticism of somebody calling  
3 you a nasty name or, then you can respond.

4 CHAIRMAN KARRER: It's up to you.

5 MS. WILLIAMS: Otherwise, all you can do, if  
6 it's something that the Committee is interested in  
7 exploring further, then you direct the staff to put it on  
8 a future agenda and it will come back to you. It will be  
9 properly agendized then. You can have a whole discussion  
10 on it.

11 The consequences, if there is a violation of  
12 the open meeting law, the main one is that any action  
13 taken by the Committee would be voided and you have to do  
14 what's called a ratification, basically a do-over, and  
15 those are kind of a pain, so hopefully we won't have to do  
16 that. And if it's a blatant violation, there is a  
17 provision that you can have, individual members can be  
18 fined individually, for a violation, but that doesn't come  
19 up too often. Generally that's not going to happen.  
20 Mainly, that happens with people acting outside of their  
21 duty. Then there's consequences for that.

22 That's all I have for the open meeting law. I  
23 mean, you're certainly, we can get you copies of  
24 statutes. I didn't want to overwhelm you with that.  
25 There's a couple of books. The Arizona Ombudsman's Office

1 puts out a pamphlet that if any of you are interested, we  
2 can certainly get you one.

3 COMMITTEE MEMBER SOUTHEY: Some of us have it,  
4 unfortunately or fortunately.

5 MS. WILLIAMS: That's all I have on that.

6 I was just going to touch on a couple of  
7 procedural things on your meetings, since you are a new  
8 committee, and you have your new Chair elected who is  
9 going to preside over the meeting and call the agenda  
10 items.

11 You can go out of order, if you want. That's  
12 your prerogative.

13 CHAIRMAN KARRER: Robert's Rules, correct?

14 MS. WILLIAMS: Robert's Rules. There's only a  
15 couple stated that actually in their statutes say they  
16 have to follow Robert's Rules. Everybody is going to use  
17 them as a guide, but you don't have to. They provide a  
18 nice little guideline.

19 On items that call for motions, one member goes  
20 ahead and makes the motion, but you can call an agenda  
21 item and then you can have a discussion. For some reason,  
22 some public bodies think you can't have a discussion until  
23 after the motion is made, but that's not true. That might  
24 be a Robert's Rule, but it's not the law. So you can have  
25 an initial discussion and somebody can make the motion.

1 And you always want to make your motion very specific and  
2 clearly. Just because it's on the agenda as, you can't  
3 just say, so moved. If staff recommends that, you know,  
4 we set the fees at X, Y and Z, your motion can't be, I so  
5 move. You have to actually articulate what the motion  
6 is. Then you have a second, a person who seconds the  
7 motion. If the person who seconds the motion likes the  
8 motion, but they want to change something about it, then  
9 as long as the maker of the motion accepts that, then you  
10 can vote on that, with those changes. If the maker of the  
11 motion doesn't accept that, then you have to get a  
12 different person to second it.

13           Those kinds of things are the kind of things  
14 we'll deal with as they come up. We'll get you through  
15 that. You can, once your motion is seconded, then you can  
16 still discuss it further if you want. Sometimes you get  
17 into a situation where the discussion goes on maybe too  
18 long, and the Chair can call the question, or somebody can  
19 call the question.

20           The voice vote, I already talked about that.  
21 If your vote is too close to call.

22           If you have a tie, the motion fails. You have  
23 to make a new one.

24           And then on, a little bit just on recusal and  
25 conflicts of interest. If any of you -- there are certain

1 statutory conflicts of interest that are going to prevent  
2 you from participating on an agenda item in a vote.  
3 Again, it is very case-specific. I can't point any out,  
4 but if you think that there's something before this  
5 Committee that's going to directly, like financially  
6 impact you directly or somebody in your family, then you  
7 have a statutory conflict, and you have to do it. You  
8 have to recuse yourself. You can't participate in any  
9 way, shape or form in it. We always suggest that you take  
10 the opportunity, if that happens, to go take a little  
11 break, or go in the back of the room. You don't want to  
12 be at the table and be tempted to throw your two cents in  
13 on something.

14           There's also situations where you might not  
15 have a statutory conflict, but there is some kind of an  
16 appearance of impropriety if you participate. And you  
17 have to kind of ask yourself, is this going to look good  
18 if I vote on this? Is somebody going to think that, you  
19 know, there's a problem with it? And it's kind of a self  
20 reflection. You know, I can't tell you yes or know. But  
21 if it's a problem, usually what we try to do is, if we  
22 foresee something that's going to come up on an agenda,  
23 you can call Bob or you can call me. And just, I can't  
24 really give you legal advice, but we can kind of talk  
25 through it to let you know if there's something you

1 shouldn't participate in.

2           There's also something called an abstention.  
3 Let's say you went ahead and went to the restroom during  
4 an agenda item, and you come in and you don't feel like  
5 you were informed enough on the agenda item. You can  
6 abstain to vote. It's kind of up to you.

7           CHAIRMAN KARRER: In the abstention, though,  
8 doesn't the, if there's a tie, doesn't the abstention go  
9 with it?

10           MS. WILLIAMS: The majority.

11           An abstention is not going to affect your  
12 quorum, but a recusal will.

13           That's all I have. I just basically didn't  
14 want to spend too much time. Certainly if any questions  
15 come up, I'm here. I have been accused of being too picky  
16 by other agencies, though. I tend to interject if I think  
17 you're going down the wrong road, so I apologize in  
18 advance, but I would rather have you err on the side of  
19 caution than be subject to an open meeting law complaint.

20           COMMITTEE MEMBER BURDICK: The question for me  
21 is, that this was formed as an advisory board, and as  
22 such, it talks about, spells out what the roles are. And  
23 so, it says, for instance: The State Fire Safety  
24 Committee shall adopt rules for the allocation of monies  
25 from the Arson Detection Reward Fund, and that's on the

1 agenda, so we have a discussion on that. By rule, because  
2 it's an advisory board meeting, that's taken into  
3 consideration; correct, that --

4 MS. WILLIAMS: Well, this one, I actually  
5 talked about this. Generally, committees do just make  
6 recommendations to a larger body. This one says, this  
7 committee adopts rules and fees.

8 CHAIRMAN KARRER: Rules and fees.

9 MS. WILLIAMS: So, I think it's the purview of  
10 this Committee, you don't have to make a recommendation to  
11 anybody.

12 COMMITTEE MEMBER BURDICK: So, if we establish  
13 a fee, we pass it on to Mr. Palma and Chief Barger, and  
14 then their duty is to carry forth that rule?

15 MS. WILLIAMS: Yes.

16 COMMITTEE MEMBER BURDICK: So, it doesn't go  
17 back.

18 MS. WILLIAMS: No. It's your formal action.

19 COMMITTEE MEMBER BURDICK: So, we're working as  
20 a, sort of a de facto power of the Governor kind of thing?

21 MS. WILLIAMS: Correct. The Legislature gave  
22 you specific duties. So you're really not a pure advisory  
23 committee. You actually have your own powers, but yeah,  
24 you're right. Mostly, generally, the Committee will say,  
25 we recommend to the Board or whoever to take this action.



1 But as I read through this, that wasn't the case.

2 FIRE MARSHAL BARGER: I thought we weren't  
3 supposed to tell them that.

4 MS. WILLIAMS: There are accommodations.

5 FIRE MARSHAL BARGER: As we go through some of  
6 the items, I'll explain exactly how that applies.

7 CHAIRMAN KARRER: Is there anything else?

8 MS. WILLIAMS: No, thank you.

9 CHAIRMAN KARRER: Moving right along then, old  
10 business. Update and report from the May 2008 meeting.  
11 Do we have any minutes from that?

12 FIRE MARSHAL BARGER: There aren't any minutes.

13 MS. WILLIAMS: I think you didn't have them at  
14 that time.

15 FIRE MARSHAL BARGER: So, this was the process,  
16 I just wanted to kind of cover with you all. Dan Uthe was  
17 the Chairperson at that time.

18 What happened at that meeting is, in the  
19 statute, the State Fire Marshal's Office was always able  
20 to charge fees for permits, plan reviews, and initial  
21 construction inspections and reinspections of construction  
22 inspections. Those fees were capped in statute at \$60.  
23 The number actually attached in statute is what we've  
24 charged for each one of those items.

25 When the Department went through its change of

1 name, because we used to be Building and Fire Safety, and  
2 now we're Fire, Building and Life Safety. They actually  
3 removed the cap from the fees and said that it would be up  
4 to the State Fire Safety Committee to adopt a schedule of  
5 fees that the State Fire Marshal could charge for those  
6 items that are specific in the statute.

7           So, up to that time, we never did charge fees.  
8 So Phil Meeley (phonetic) who was the previous Fire  
9 Marshal, put together a schedule of fees, went through  
10 kind of an overview of what all the other cities are  
11 charging and those kinds of things, and put together the  
12 scheduled fees. I think I put one on your, in fact, this  
13 is what we currently charge. Now, fees are adopted by  
14 rule. I don't really want to, I don't know if we want to  
15 take any action on this, but what I want to just present  
16 to the Board, is that we would like to move forward with  
17 putting together another schedule of fees for this  
18 Committee to look at, and do a justification of those  
19 fees, so that we would have something for our next  
20 meeting.

21           There is a rule-writing moratorium I believe  
22 that's still in effect until July 1st of this year. All  
23 of our fees are adopted by rule. So what we do is, we put  
24 together a schedule of fees, with your approval to do  
25 that. Then we go through the Governor's Regulatory Review

1 Council, and we go through the rule-writing process. So,  
2 that is a probably 60 to 90-day process that we have to do  
3 State meetings and everything else. Everybody can say,  
4 okay, this is what the Fire Marshal wants to charge. This  
5 is what we want to charge. We want to do that to increase  
6 the fees to kind of balance out what it costs us to do  
7 business, and what we're actually making.

8               So, in that process, I don't know if we need to  
9 take any action on that, other than, I just wanted to  
10 bring everybody up to the point that, until 2008, we  
11 weren't even charging fees. We've been charging the same  
12 fees for the last four years. We would like to move  
13 forward for the next meeting with that on the next agenda  
14 item to bring you a schedule of fees to show you how we  
15 would like to update the fees that we charge for these  
16 items to, again, because we are not in the process or have  
17 the ability to make money. We just want to break even  
18 more.

19               CHAIRMAN KARRER: So, Bob, how does that rule,  
20 okay, we kind of jumped almost to the new business item I  
21 mean, that's the fees schedule.

22               So, what about the old business? Is there any  
23 kind of update from previous meetings of 2008? Was that  
24 part of the discussion, or --

25               FIRE MARSHAL BARGER: That was one hundred

1 percent of it.

2 CHAIRMAN KARRER: That was a hundred percent?  
3 oh, okay, I got you.

4 FIRE MARSHAL BARGER: Because, again, the  
5 office never had any set fees.

6 CHAIRMAN KARRER: I got you.

7 FIRE MARSHAL BARGER: So the whole thing, there  
8 was a lot of questions back and forth on: How are you  
9 going to do this? How are you going to do that?

10 CHAIRMAN KARRER: And that's how you came up  
11 with this pattern. Okay, I'm there. Okay.

12 COMMITTEE MEMBER GILMORE: Mr. Chair, I have a  
13 question.

14 CHAIRMAN KARRER: Yes, Mr. Gilmore.

15 COMMITTEE MEMBER GILMORE: These fees pertain  
16 to State projects, and how do they overlap with City or  
17 County or universities?

18 FIRE MARSHAL BARGER: We can get to that when  
19 we get down to particulars.

20 CHAIRMAN KARRER: Let's do that. If that's  
21 all that happened under the May meeting of 2008, let's  
22 call for the new business item, item 6-A: Review,  
23 discussion, and possible action on adopting a fee  
24 schedule, pursuant to A.R.S. 41-2146(D). Let's talk about  
25 that.

1                   So, Bob.

2                   FIRE MARSHAL BARGER: I'm sorry. Could you  
3 please repeat?

4                   COMMITTEE MEMBER GILMORE: These fees are  
5 associated with your services for inspections, obviously.  
6 Are these associated with strictly State-funded projects?

7                   FIRE MARSHAL BARGER: They are. Again, when  
8 you get into the statute and how the fees apply, because  
9 there's also lots of jurisdictions that have fee schedules  
10 and things. We're primarily responsible, when you look at  
11 these statutes, for State buildings, County buildings, and  
12 schools, public or private, wherever located throughout  
13 the State. That's, I think, A.R.S. 41-2163. The  
14 exception to that are private schools in cities with  
15 population over 100,000. The public schools then move  
16 over to them.

17                   So the things we charge for, and again, we just  
18 charge for plan review, we charge for construction  
19 inspections, and we have, for the inspection side of it,  
20 plan review, construction inspections, and then  
21 reinspections if it fails to do, we can charge for those  
22 items. We also have a fee schedule in there that we  
23 charge for other items, such as tent programs that are  
24 going to be placed on State property or County property or  
25 schools.

1           And when you look through the scheduled fees  
2 that I laid there, it shows all the things that we charge  
3 fees for. So, some of those have to do with the plan  
4 review process. Some of them have to do with underground  
5 tanks that we charge for the Fire Code and those kinds of  
6 things. So this fee schedule right here, and maybe I  
7 ought to pass this one out too. Let me pass this around.  
8 This is actually the rules that apply to the fee  
9 schedule. So that will clarify it just a little bit  
10 more.

11           These are all listed on our website in both  
12 these orders right here. One is more simple, the way I  
13 gave it to you, and the second one is actually the rules  
14 that apply to the fees that we charge for those items.

15           So again, it goes to the rule-writing process.  
16 So, this Committee would say, okay, we are going to  
17 approve the State Fire Marshal's Office to raise their  
18 fees. And then we would have to have an established fee  
19 that we're going to charge for those items that are  
20 currently enrolled, and say, we'd like to up those fees at  
21 that point.

22           Now, that starts the action for us after you do  
23 rule-writing through the State Governor's Regulatory  
24 Review Council, where we actually have to take these rules  
25 and then adjust them to that Committee through the

1 Governor's Regulatory Review Council. So, we actually go  
2 through, and that again requires processes where we have  
3 to advise all the State callers. People would have an  
4 opportunity to come and sit with us.

5           The last time we had this type of meeting when  
6 we did the original fees, there were two questions: Why  
7 we want to do it? What's the balance to that? How is it  
8 going to affect us as a business owner, or a school or  
9 State building, or something like that.

10           Now, in the statute, to get back to your  
11 question a little bit, we do roll over to some of the  
12 private sector stuff, depending on if it's in an  
13 unincorporated area of the County. In the statute, under  
14 the 41-2163, it says the State Fire Marshal's Office would  
15 really do anything over five residential units. So, five  
16 or more in an unincorporated area of the County where  
17 there's no other service, we do the fire code review.

18           We just do the fire code review. We don't do  
19 any building code reviews or anything else. We apply the  
20 fire codes that exist to this building that is going to be  
21 built, or the building that's going to be remodeled, or  
22 the building that's going to change the interior or  
23 something that may affect the sprinkler system or the  
24 alarm system or something. So, primarily it is  
25 construction items with those kinds of things that affect

1 public buildings. Public buildings are those that are  
2 built in part or in whole with public funds. So, that's  
3 how it kind of designates public buildings. If you have a  
4 building that somehow, some of the State money, the public  
5 money is being applied to build that, then that would be  
6 the State Fire Marshal's Office.

7 COMMITTEE MEMBER GILMORE: Statute number  
8 41-2163 outlines pretty much what you just shared with us?

9 FIRE MARSHAL BARGER: Yes. It's kind of  
10 strange in its title, because it says, I think it has  
11 something to do with arson investigators, and that's just  
12 a mistitled statute. That needs to be fire inspectors.

13 COMMITTEE MEMBER GILMORE: Thank you.

14 FIRE MARSHAL BARGER: That is all listed in  
15 there, and the authority given to our office through this  
16 Committee, to adopt a new fire code on how we inspect  
17 buildings and how we do plan reviews.

18 So, right now again, what I'd like to do is,  
19 just as we move forward, at our next meeting we'll have an  
20 opportunity to put that together -- is actually put  
21 together a new schedule of fees with the appropriate  
22 documentation and how we will move forth with that. If  
23 this group agrees to let us do that.

24 COMMITTEE MEMBER BURDICK: Mr. Chair, I make a  
25 motion to ask the State Fire Marshal to come back and



1 propose a new fee schedule.

2 CHAIRMAN KARRER: We have a motion on the floor  
3 to ask the Fire Marshal for a new fee schedule.

4 Is there a second?

5 COMMITTEE MEMBER LOUMAN: Second.

6 CHAIRMAN KARRER: We have a second. Is there  
7 any further discussion?

8 Hearing none, all those in favor say aye.

9 (Affirmative responses.)

10 CHAIRMAN KARRER: Any opposed, same sign?

11 (No response.)

12 CHAIRMAN KARRER: The motion passes  
13 unanimously.

14 Okay. Item Number B, under new business.

15 Review and discussion on adopting the 2012 International  
16 Fire Code.

17 Mr. Barger.

18 FIRE MARSHAL BARGER: This is another one that  
19 this Committee, when you look under the authority of this  
20 Committee, is responsible for adopting a State Fire Code  
21 that covers those items, one through six, on the statute.  
22 Again, the State Fire Code is adopted by rule. So, right  
23 now in the discussion phase of this, because the State  
24 Code is the only, the State Fire Code is the only code  
25 that's applied statewide. It's the minimum code for

1 everybody to build anything too. So, if you have a  
2 jurisdiction that does not have an adopted code, that has  
3 any building in that jurisdiction that is being built,  
4 they have to at least comply with the minimum standards of  
5 the State Fire Code.

6 Now, there's statutory authority for local  
7 jurisdictions to adopt their own codes with a minimum that  
8 has to be as strict or more strict than the State Fire  
9 Code. So those processes that are out there in the State  
10 set of statutes, that has to be as strict.

11 The discussion I want to have this morning with  
12 you all is that we will move forth, if it's okay with this  
13 group, to do some stakeholder meetings with the Arizona  
14 Fire Marshals Association, and so on and so forth, because  
15 again, what we are doing is taking the current code, which  
16 is the International Fire Code 2003 edition that the State  
17 has currently adopted, with the prior approval of the  
18 State Fire Safety Committee, and look at moving into the  
19 2012 International Fire Code.

20 And what we are going to have to do in that  
21 process, because it affects everybody that has anything to  
22 do with fire code reviews or fire inspections in the State  
23 of Arizona. It actually deals with some of the more rural  
24 communities, saying, how does that impact you? Because  
25 what we're going to have to do is say, here's what the

1 2003 code says, and we will do an errata through the  
2 International Code Council and say, here's what the '03  
3 code says, and here's what our amendment is to it, and we  
4 give our amendments to the code, and then what are the  
5 changes from the '03 to the '12.

6           So, we'll bring back to this group. These are  
7 the major changes that have been done from the '03 code to  
8 the '12 code, and then we'll also have to get with the  
9 group and say how does that impact the small community  
10 that has to enforce at a minimum, the State Fire Code?

11           So we, it's kind of unique in a sense, because  
12 again, it's the only code that's adopted statewide.  
13 Mechanical codes, electrical codes, construction codes,  
14 and those kinds of things are all local jurisdiction or  
15 County. So, we have to be careful how we move forth as a  
16 State in adopting a minimum standard for everybody in the  
17 State, and how that is going to impact all the  
18 stakeholders. Now, that again is done after we get with  
19 this group and you give us approval to move forward with  
20 the rule-writing process to adopt the code, where we have  
21 to again have stakeholder meetings with everybody, and  
22 they get a chance to come in and say yea or nay, or even  
23 attend the Governor's Regulatory Review hearing where they  
24 can speak in opposition to the State adopting a more  
25 strict code.

1 COMMITTEE MEMBER BURDICK: What is the  
2 requirement for you, I guess timeline-wise? What's  
3 required of you due to the economic conditions and loss of  
4 staff that we've all suffered? What's it going to require  
5 on you for a review of the 2012, or have you already done  
6 that?

7 Again, are you guys prepared to move forward  
8 with that, or do you have to do an analysis?

9 FIRE MARSHAL BARGER: Not at this time. That's  
10 what I want to do between now and our next meeting, is put  
11 some things together for this Committee to take a look  
12 at. It may be one of the things where when we start doing  
13 that, looking at the differences, and say it's impractical  
14 for the State to move up to that right now, because it  
15 impacts so many people at different levels. And so I  
16 believe there are some communities moving into the 2012  
17 code, but again, I think there are some differences that  
18 we have to look at too, because IBC, which we do not adopt  
19 at the State level, are the International Business Codes.

20 COMMITTEE MEMBER BURDICK: Building codes.

21 FIRE MARSHAL BARGER: Building codes, excuse  
22 me. I think the correlation between the two codes  
23 changes. So, if you have the '03 fire code and other  
24 communities adopt the '12 building code, then now those  
25 codes aren't corresponding.

1                   CHAIRMAN KARRER: Conflicts is what you're  
2 saying.

3                   FIRE MARSHAL BARGER: So we have to take a look  
4 at that, and we don't deal with the building codes in a  
5 general sense, but there are applications that cross over  
6 from the building code to the fire code, such as exit  
7 requirements on the intended use of the building and those  
8 kinds of things that you have to put in place before you  
9 build it. And if we get to the point way over here, and  
10 then what basically relates to us, again their plan  
11 reviews for our adopted code, that we look at the adopted  
12 code and say, how does that apply to the structure that's  
13 being built, whether it's a school or State or County  
14 building. And does it require sprinklers, does it require  
15 a number of things, and then we have to go through --  
16 Joseph is our plan reviewer and he does an excellent job  
17 of that, and so he would apply the application of the fire  
18 code we currently have.

19                  COMMITTEE MEMBER BURDICK: I have another  
20 question, because this has been a consistent problem with  
21 the State Fire Marshal's Office. And again, for lack of  
22 funds and people, but I guess what you're saying is, and  
23 now you've brought up another issue. If people move  
24 forward with a different version of building code. And  
25 again I look at this Committee makeup, the

1 responsibilities of this Committee to adopt this, to get  
2 actually out of balance and have such an old code. For a  
3 long time, this State has always had a very old code, and  
4 I would say that, you know, those municipalities or  
5 districts that have adopted more current codes to provide  
6 that better coverage. Our onus is, at what point do we  
7 decide that if we have stakeholders who step up and say, I  
8 can't afford it, where does that go from the standpoint of  
9 our responsibility for the safety and welfare of the  
10 citizens? I mean, when do you get to kind of say, okay,  
11 too bad. We're moving forward anyway.

12 FIRE MARSHAL BARGER: That would, that lies  
13 with the Governor's Regulatory Review Committee. They  
14 either say, adopt it and begin an LOC hearing process over  
15 there where you set forth, and they say, does anybody have  
16 any issues with item number so and so on the docket. And  
17 people have an opportunity then to speak up and speak in  
18 opposition to the State adopting this code.

19 Once you get approval to go forth through this  
20 Committee, to do the rule-writing to adopt a more recent  
21 code, your authority pretty much is given to us to move  
22 forth with that. We have to go through the Governor's  
23 Regulatory Review Council. That would be the only  
24 opportunity that somebody would have to sit and say, we  
25 don't want the State to adopt this, because when we have

1 stakeholder meetings around here, everybody gives us  
2 issues, we have to actually write those down, document  
3 what the issues are, and that has to be presented to the  
4 council, for the Governor's regulatory Review Council.

5           They have the opportunity, with the folks that  
6 sit on that committee or that council -- I don't know if  
7 it's a committee or council -- to take all the information  
8 in and make a final vote at the end of that particular  
9 session, and they can either say, yes, you can adopt it,  
10 or no, you will not adopt it.

11           COMMITTEE MEMBER BURDICK: Obviously, in that  
12 public process there is people who can speak in support  
13 of, and also, is this Committee precluded from speaking at  
14 that by our appointment here, or would that be a conflict?

15           MS. WILLIAMS: Well, you'd have a  
16 representative.

17           FIRE MARSHAL BARGER: We would be assigned to  
18 an attorney through the Governor's Regulatory Review  
19 Council. Scott Cooley is the one we usually work through  
20 for our rulings and stuff. He presents the packages and  
21 he actually does the preempt to the committee on why we  
22 want to do that. And he's the one that kind of keeps us  
23 in line and says to make sure that our rule packages for  
24 adopting a State Fire Code with the amendments are, in  
25 fact, in the proper order and those kinds of things. So

1 he'll do a preempt, and then if the committee or the  
2 council has any questions specific, that would be when I  
3 would stand up and say, this is the items specific to  
4 develop a new code.

5           So, it's actually, there's an attorney assigned  
6 to us as we go through that rule-writing process that  
7 actually looks at all of our stuff, and I believe the  
8 Secretary of State is also involved in that process,  
9 because all of the rules are under the Secretary of State  
10 on the website.

11           CHAIRMAN KARRER: Excuse me, go ahead, Mary.

12           MS. WILLIAMS: Also in that council meeting,  
13 there's the opportunity for the groups in the State that  
14 say, hey, we don't want them to do this. They can get up  
15 and speak, and that council can also, they can also send  
16 it back to you, saying, hey, maybe you could make these  
17 adjustments before you bring it back to us again. So it's  
18 not really just a dead thing right there, you know, yes or  
19 no. It can go back to the council and come back to the  
20 Fire Marshal's Office, come back to us, come back to, it  
21 can be a long process.

22           FIRE MARSHAL BARGER: Yeah, the initial phases  
23 on adopting, when we went from the 1988 Uniform Fire Code  
24 to the 2003, John Rowlinson told us, every day he told me  
25 he was going to quit. I said, don't quit till you get



1 this done. So he finally got it done, but it was, I think  
2 a year for us to bring it up from the '88 code to the '03  
3 code. Those were two different codes. We had the Uniform  
4 Fire Code and then we had the International Fire Code.

5           There was a lot of issues with us adopting  
6 that, because those questions were asked through Scott  
7 Cooley, who was representing us on the stakeholders' side,  
8 how much of a change was it going to be? Well, it wasn't  
9 that much of an impact, because everybody else in the  
10 State had already gone to the I Code. Everybody else was  
11 already in the International Fire Code. So it wasn't that  
12 much, and when we went through the hearing that initial  
13 time, nobody spoke in opposition or anything else. They  
14 were for it, now adopting the '03 code. I don't, is it  
15 upon their action, when they approve it, is it effective  
16 then, or is there a timeline?

17           MS. WILLIAMS: GRRC?

18           FIRE MARSHAL BARGER: Yes, if they say: Okay,  
19 you've adopted a new code --

20           MS. WILLIAMS: Well, it has to be filed with  
21 the Secretary of State, and a couple of formalities you  
22 have to go through. I don't deal a lot with the rules,  
23 but that's my understanding.

24           MR. PALMA: 60 days after, is what I  
25 understand.

1           CHAIRMAN KARRER: As I understand it, it's 60  
2 days I think after official action.

3           FIRE MARSHAL BARGER: One thing we do have to  
4 do on that is, we'll have to get copies of the '12 code,  
5 and we will have to bring to you all, any new amendments  
6 that we want to make to the new code, because our  
7 amendments, again, they're on line, the amendments on the  
8 rules for the State Fire Code, and as we went through  
9 that, we made some amendments.

10           We recently had to change the one referring to  
11 fireworks, because we deleted the one in the State Code,  
12 because fireworks were illegal in the State of Arizona.  
13 So we had to go through and amend the rule for that to  
14 say, okay, these are now accessible in the State of  
15 Arizona, as far as fireworks go.

16           So there are things that we may amend out that  
17 eventually, because of other statutory things and change  
18 in the law that we have to go back and re-amend the code.  
19 And again, that's all done through rules, so, we have your  
20 authority to move forward with stuff, but we really don't  
21 do anything until it's approved, almost every action  
22 through this Committee, through rules.

23           MR. PALMA: I'm sorry. I just want to clarify,  
24 when Bob responded to Chief Burdick's question about, you  
25 know, where do you draw a line in terms of, you know, if

1 you get opposition to it or not, and Bob responded with  
2 the fact that there's a public hearing and a public  
3 comment period.

4 But there's nothing to preclude anybody from  
5 the public or interest groups to contact you, because  
6 they, obviously, we post the agendas several weeks ahead,  
7 and obviously, people look at them, and if they see an  
8 issue there, they go, wait a minute. This is something  
9 that our group would not be in support of, and they may  
10 contact you before the meeting, the next meeting, or they  
11 may come to the meeting and voice their opposition.

12 So, I just wanted to make sure the committee  
13 understands that they can oppose and voice their  
14 opposition at this stage. So, you would be aware, and  
15 usually they do. Usually those people are pretty much  
16 aware of changes that may affect their business in a  
17 negative manner, and they're going to try from the get-go  
18 to let you know.

19 MS. WILLIAMS: Can I just expand on that? As  
20 individual Committee members, you shouldn't be having a  
21 conversation, but you can certainly refer them, but we do  
22 try to get you not to talk one-on-one with something that  
23 is Committee business. They may call you, and you could  
24 say, put it in writing and send it to Bob.

25 But they probably will call you, Gene is right,

1 because that's what they do, but it's better not to have a  
2 conversation, because then you'd have to come here and  
3 disclose what you said to them. So, just refer them to  
4 Bob.

5 FIRE MARSHAL BARGER: Again -- I'm sorry.

6 CHAIRMAN KARRER: No, I'm sorry. This is  
7 difficult for people to adopt the newer building codes and  
8 keep up, but you established that it is an issue that we  
9 are behind, we have been behind in the past. Now, how  
10 could this group require that the State stay within two  
11 cycles, three cycles of the new concurrent codes? So you  
12 don't find yourself in a situation where it's '88 to '03,  
13 or is that something in this group, or is that something  
14 that would be too problematic for you?

15 FIRE MARSHAL BARGER: No, that's something that  
16 the Committee Chair would call on the Committee in a  
17 meeting and make that recommendation. If you want us to  
18 stay within a few years, we'll do our best to do that.  
19 But again, because the way the statute is written, is that  
20 this Committee will adopt by rules. The State Fire Code  
21 covers those items, so when we get too far behind, and  
22 we're starting to get behind now.

23 CHAIRMAN KARRER: Yeah, right. That's my  
24 point.

25 FIRE MARSHAL BARGER: So, for the Committee to

1 say, we want you to adopt a code every six years or three  
2 years or whatever, that would probably be difficult for us  
3 to do. We just have to do that in a situation like we are  
4 doing right now. To say that we, because I believe the  
5 meetings are called at the request of the Chair, or any  
6 three members --

7 MS. WILLIAMS: Five members.

8 FIRE MARSHAL BARGER: Five members of the  
9 Committee to say, we need to have a meeting. Because you  
10 all are out there dealing with these things every day, a  
11 lot of you are, and you say okay, and you hear issues and  
12 stuff like that, so well, we probably need to adopt a more  
13 current code.

14 Again, there is not any action on this right  
15 now. I just want to let you know that we would like to  
16 move forth with that kind of thing.

17 To answer Mark's question, it takes a lot of  
18 time. It takes a lot of effort, and we are short-handed.  
19 We're short-staffed and -- but it's important enough from  
20 the public safety standpoint for us to consider and look  
21 and see if we can move forward with it, because again,  
22 it's, the whole issue of the fire code and everything else  
23 is directly related to the public safety.

24 COMMITTEE MEMBER BURDICK: And because it's a  
25 discussion, it's not out of the question that perhaps,

1 when you come forward with the recommendation on the 2012  
2 code, that the Committee could also ask, or ask for a  
3 recommendation that from this point going forward, maybe  
4 every six years the code is reviewed and an attempt is  
5 made, you know, providing certain exceptions that it would  
6 be updated to that cycle, because I agree, you can't, I  
7 don't think, even municipalities that have staff can't  
8 even get to reviewing the code that often. It would have  
9 to be a little bit of a gap for you.

10 FIRE MARSHAL BARGER: And certainly, one of the  
11 concerns is, like I say, stakeholders, because again, when  
12 you look at the State, adopting an amendment to the fire  
13 code statewide, that means everybody is going to have to  
14 come up to that. So that's training, that's new code  
15 books you're going to have to buy. There's a whole gamut  
16 of things that come with that. So it is something that we  
17 have to take very seriously and do a lot of research and  
18 do a a lot of meetings with folks to say, how is this  
19 going to impact you, as a small rural fire department or a  
20 small fire district, to where the State now is adopting a  
21 more stringent code, and you have to, even though you have  
22 adopted the '03 code, even if the State hasn't adopted  
23 anything else, or if you don't have an adopted code, you  
24 have to enforce the State Fire Code. So they have been  
25 using and enforcing the '03 code. So up here, we have to

1 kind of look at how that will impact everybody.

2           So again, that's why I didn't want any action  
3 on it. I just wanted to let everybody know that we want  
4 to move forth with it. That it could be one of those  
5 items where when we meet again, it's like, well, you know,  
6 that didn't go over very well. So, but we'll see. The  
7 starting point with that is the Arizona Fire Marshals  
8 Association, getting in with that group. As we go through  
9 it, John Rowlinson, who wrote the amendment to the last  
10 one. I'd like to put a group of those folks together to  
11 help us, because it isn't in an acceptable state like  
12 this, could help you look at the 2012 code, the  
13 differences between the two, and how we would amend the  
14 new code, if we're going to amend it at all.

15           CHAIRMAN KARRER: That's one of the suggestions  
16 I was going to have, is simply that I think it would  
17 behoove the State to really get involved with the State  
18 Fire Marshal's Office, because there are major  
19 distinctions.

20           I know the things that we're going through  
21 right now, looking at the new codes as well. So I think  
22 that including those groups, that really having those  
23 focus groups would be invaluable information.

24           I would suggest that we direct staff to move  
25 forward with that evaluation, unless there is objection.

1 Can't take formal action, but --

2 FIRE MARSHAL BARGER: Fine.

3 CHAIRMAN KARRER: Any further discussion on  
4 item B?

5 All right, moving right along. Item 6-C.  
6 Review, discussion and possible action on adopting rules  
7 for the allocation of monies from the Arson Detection  
8 Reward Fund, pursuant to A.R.S.41-21-46(E).

9 Mr. Barger.

10 FIRE MARSHAL BARGER: This is not one of those  
11 things that has to be adopted through rule.

12 In your packet, I enclosed a current copy of  
13 the Arson Task Force bylaws. That is the Committee that  
14 actually goes through that process to make an award out of  
15 the Arson Reward Fund. There's different ways that that  
16 money gets placed in there. I'd have to look to see  
17 exactly what statute it is that covers that. We have to  
18 do rules through this Committee that allocate monies out of  
19 it. How those monies are allocated is in a different  
20 statute.

21 COMMITTEE MEMBER BURDICK: That makes no sense.

22 FIRE MARSHAL BARGER: I apologize that I don't  
23 have that right in front of me. 41-2167. I apologize.  
24 I'm going to have to look that up for you.

25 COMMITTEE MEMBER BURDICK: While you're looking



1 for that, one quick question. I notice that you have this  
2 Arizona Advisory Committee on Arson Prevention. Who is  
3 that?

4 FIRE MARSHAL BARGER: That, I don't have the  
5 current names of that group, but there's actually a member  
6 of the Attorney General's Office assigned to that  
7 Committee. So, they kind of do their things on there.  
8 Again, I don't know his name. I apologize. So we may  
9 have to take, maybe a back seat on this one, and move  
10 forward with some other stuff, but it says we have to  
11 allocate monies to do this.

12 Hang on, let me look just a minute.

13 COMMITTEE MEMBER BURDICK: Again, while you're  
14 looking, again just clarification, has that Committee  
15 moved any money since 2008?

16 FIRE MARSHAL BARGER: Yes. We made awards out  
17 of the Arson Detection Reward Fund. Phil made one and I  
18 just recently made three.

19 COMMITTEE MEMBER BURDICK: Okay.

20 FIRE MARSHAL BARGER: There was an issue  
21 through, and I didn't put it on our agenda, but can I  
22 discuss the sunset audit?

23 MS. WILLIAMS: Does it relate to the allocation  
24 of monies?

25 FIRE MARSHAL BARGER: Yes.

1 MS. WILLIAMS: All right.

2 FIRE MARSHAL BARGER: Because through the  
3 sunset audit that we just recently went through, they said  
4 that they noticed that per the statute, the State Fire  
5 Safety Committee was supposed to write rules. This  
6 Department has never adopted rules for the allocation of  
7 those monies out of that fund, so one of their  
8 recommendations to that, is that we need to do that. So  
9 that was another issue of getting the Committee together,  
10 saying that we need to adopt rules that apply to how we  
11 award money out of there, even though it's covered in the  
12 bylaws.

13 There is some issues in there, as far as, well,  
14 the Committee has bylaws on how they distribute the money  
15 and how it is represented to that Task Force, that  
16 Commission, to say, this is how we feel this person  
17 assisted. It's almost like the Silent Witness Program.  
18 Assisted in the arrest and conviction of this person that  
19 started this fire.

20 And it's actually the Arson Investigator that  
21 has to put those forms together to submit it, and they  
22 usually submit it to us. I submit it to the Task Force.  
23 They make, through all their decision-making processes and  
24 their items that they have there, to rank what they feel  
25 the person really did, and then come up with the monetary

1 award out of that fund. So they actually, then they send  
2 it to us, and then we have to submit it to the State  
3 Treasurer for payment out of that fund for the award.

4 When you read the bylaws, you'll see there's  
5 ways in there for them to do it anonymously or maybe not  
6 so anonymously, as far as requiring payment out of that  
7 award, and the most recent one we just finally got back,  
8 because it requires the submission of the anonymous person  
9 to submit a W-9 to the State Treasury.

10 CHAIRMAN KARRER: Do it anonymous.

11 COMMITTEE MEMBER BURDICK: What are the award  
12 amounts, typically?

13 FIRE MARSHAL BARGER: They're usually between  
14 500 and a thousand dollars.

15 COMMITTEE MEMBER BURDICK: And where does the  
16 money come from again?

17 FIRE MARSHAL BARGER: From the Arson Award  
18 Fund.

19 COMMITTEE MEMBER BURDICK: Where does that fund  
20 get funded?

21 FIRE MARSHAL BARGER: Several penalties or  
22 convictions of people charged for the criminal act of  
23 arson. Those kinds of things. So, if somebody is  
24 convicted and a fine is associated with that conviction,  
25 that money is placed into the award fund. It could be

1 designated money out of the general fund, if the  
2 Legislature so chooses, but again, I apologize, because  
3 that is spelled out in statute how the money gets into  
4 that, and how that is paid out, as far as the bylaws go.  
5 It does state in statute. Let me look here. I was almost  
6 there. Hang on.

7 CHAIRMAN KARRER: Don't ask him any questions,  
8 folks.

9 (Laughter)

10 FIRE MARSHAL BARGER: It is 41-2167.  
11 Administrative purpose, receipts and disbursement. It  
12 says right here in A: An Arson Detection Reward (sic)  
13 Fund is established and shall be administered within the  
14 guidelines of this section and rules of the Office of the  
15 State Fire Marshal. We do it through rules of the Office  
16 of the State Fire Marshal, under the authority of the  
17 State Fire Safety Committee, because you are to tell us to  
18 adopt the rules to do that. And what that's going to  
19 mean, and again, the Advisory Committee on Arson  
20 Prevention is established by our office, and we have one,  
21 believe it or not.

22 And they actually go through those things right  
23 there, and I will probably get for you at the next meeting  
24 the Committee, all the members, and how they are  
25 associated. Most of them are arson investigators, through

1 different localities throughout the State of Arizona, and  
2 they actually get there, and there is again a  
3 representative from the Attorney General's Office on that  
4 Committee.

5 Who signed that, the bylaws right there?

6 CHAIRMAN KARRER: You did.

7 FIRE MARSHAL BARGER: I thought it would be  
8 somebody else. Okay, you're right. I signed them.

9 COMMITTEE MEMBER BURDICK: There's several  
10 pages there.

11 FIRE MARSHAL BARGER: Okay, so it's 41-2167.  
12 What we will do is get that and send it to you all, so you  
13 can look at it. I don't know if we put that in there or  
14 not. Did they put it in the packet?

15 MS. WILLIAMS: Yes.

16 FIRE MARSHAL BARGER: So maybe you do have that  
17 in there. So that kind of lists all the processes here.

18 COMMITTEE MEMBER GILMORE: Right here.

19 FIRE MARSHAL BARGER: We will be more organized  
20 for the next meeting.

21 COMMITTEE MEMBER BURDICK: Because this is new  
22 to us, is it nothing if we, for instance, if a motion was  
23 made that this be agendized at the next meeting, review,  
24 discussion and adopt the rules you're looking for, so we  
25 have some more information. I know that precludes you

1 right now from continuing to provide those rewards, right?

2 FIRE MARSHAL BARGER: Right.

3 COMMITTEE MEMBER BURDICK: And so you can  
4 operate as normal. And secondly, is that fund a protected  
5 fund? I mean, can the Legislature take that? Is there an  
6 amount of money they need to look at right now, or is it  
7 pretty low?

8 CHAIRMAN KARRER: What's the balance?

9 FIRE MARSHAL BARGER: Do you remember what the  
10 balance in that was, Mary?

11 MS. WILLIAMS: No, I don't.

12 FIRE MARSHAL BARGER: It's around \$50,000, is  
13 what the balance is right now. Enough for them to make  
14 those awards out of it. It's not protected, but again,  
15 the sunset audit, in their review of this, said that we  
16 need to write rules for it. But the fact that we have  
17 been issuing awards out of the fund based on the bylaws  
18 was okay, but we really need to establish a rule-writing  
19 process, because it states in statutes there should be  
20 rules on how those monies are allocated, even though it  
21 says in their bylaws.

22 COMMITTEE MEMBER BURDICK: We can write the  
23 rules. We do ask that you draft something for that.

24 MR. PALMA: And the rules are simply because  
25 the Office of the State Fire Marshal is performing as a

1 fiduciary function, and that function must be clarified.  
2 And so, that's why the rules are being called for. As it  
3 is now, I mean, we are doing it ethically and above-board,  
4 but to protect the agency itself, there's some rules that  
5 need to be spelled out as to how exactly it performs that  
6 fiduciary function. That way, there is no question that I  
7 think the funds are being disbursed properly.

8 FIRE MARSHAL BARGER: So what we have to do is,  
9 we have an individual that assists in our rule-writing  
10 process. We would have to get with her and say, how,  
11 here's the bylaws. Here's the statute. And how do we  
12 write the rules. So we'll have her review a draft. We  
13 can get it to you all at the next meeting to look at how  
14 we would close those rules, and then if everything was  
15 okay, everybody, again we go through everything in the  
16 rule-writing process for the allocation of those monies.

17 THE COURT REPORTER: Excuse me, I need to  
18 change paper.

19 CHAIRMAN KARRER: Okay, we'll take a five-  
20 minute break.

21 THE COURT REPORTER: A two-minute break, unless  
22 you want a five-minute break.

23 (Whereupon a recess was taken from 11:08 to  
24 11:10 a.m.)

25 CHAIRMAN KARRER: Okay, that was quick. Good

1 thing.

2           So, it sounds like what we need to do is either  
3 give directions to create those rules.

4           COMMITTEE MEMBER BURDICK: I would make a  
5 motion that the Fire Marshal draft a, provide a draft of  
6 the rules to the Committee for us to review the possible  
7 options.

8           CHAIRMAN KARRER: Okay. So, we have a motion  
9 on the floor for the Fire Marshal to create some rules for  
10 our review at the next meeting.

11           Is there a second?

12           COMMITTEE MEMBER GERWITZ: Second.

13           CHAIRMAN KARRER: Second by Lisa.

14           Is there any further discussion?

15           All those in favor, signify by saying aye.

16           (Affirmative responses.)

17           CHAIRMAN KARRER: Any opposed, same sign.

18           (No response.)

19           CHAIRMAN KARRER: Passed unanimously.

20           All right, moving right along, Item 6-D on the  
21 agenda. Review and discussion on seeking a Legislative  
22 amendment for authority to set a fee for regularly-  
23 scheduled inspection of State and County buildings and  
24 schools.

25           Mr. Barger?



1 FIRE MARSHAL BARGER: Again, through the Sunset  
2 Audit Committee, one of their recommendations, because  
3 lower jurisdictions, a lot of them may support it, that  
4 actually charges for annual inspections, self-inspections  
5 and other things also. We are not allowed to do that  
6 through the State Fire Marshal's office, because what we  
7 charge fees for is our set of statutes under this  
8 Committee, A.R.S. 41-2163. Those are specific to what we  
9 charge fees for. The recommendation of the committee was  
10 that we move forth with costs, and again, it won't take  
11 place until the next Legislative session, but I wanted to  
12 kind of get this group to move forth with a proposal to  
13 change the statute to allow us to charge for annual  
14 inspections. That was a recommendation of the Sunset  
15 Audit Committee. I don't have any feeling on it one way  
16 or the other.

17 COMMITTEE MEMBER GERWITZ: Is that over and  
18 above a local jurisdiction inspection? You said like Mesa  
19 already does annual inspections.

20 FIRE MARSHAL BARGER: They charge for the  
21 private sector. We would charge for the school, State and  
22 County buildings.

23 COMMITTEE MEMBER GERWITZ: Okay.

24 CHAIRMAN KARRER: Unless they've adopted their  
25 own rules.

1 FIRE MARSHAL BARGER: Right. Unless they have  
2 their own. There's an allowance through statute that a  
3 community over 100,000 population can actually take the  
4 responsibility. Not just the authority but the  
5 responsibility from this Committee for applying their  
6 codes in their community across the board. So, we would  
7 not have, and Scottsdale is one that has done that, so  
8 Scottsdale has actually adopted by ordinance the  
9 responsibility from this State Fire Safety Committee,  
10 which again is allowed through the statute, under  
11 41-2163. So if they say, we are doing everything in our  
12 community, and we really can't do anything about it, and  
13 they have adopted that ordinance, so they do everything  
14 within the city limits of Scottsdale. State, County,  
15 schools, private, it doesn't matter.

16 There's been some issues in that process,  
17 because some school districts cross over from Scottsdale  
18 into the County. So, the school district is saying, we're  
19 under the State. So there has to be a lot of open  
20 communication between everybody in that process, but that  
21 would be above and aboard.

22 Now, again in statute, when you start looking  
23 at the applicability of local codes and the ability to  
24 charge fees for public buildings, that confuses the issue  
25 even more. That's in 34-461. To where it actually gives

1 the local jurisdiction the ability to charge for stuff,  
2 even though they are not the authority having jurisdiction  
3 over a school. It would be the State Fire Marshal's  
4 office.

5           So the actual application of the statute allows  
6 for dual charging for permits, plan review and  
7 construction inspections by the local jurisdiction, but  
8 the local jurisdiction doesn't have the authority to  
9 approve it, so it has to go to the State Fire Marshal's  
10 Office for a final review and approval of the fire safety  
11 system.

12           Those are some complicated issues that are in  
13 the statute, and again, it goes through a lot of different  
14 things, like who can charge for what. But again, it's one  
15 of those things where it was a recommendation of the  
16 Sunset Audit Committee, that we at least take maybe some  
17 moments to look at that, that would have to, again, for us  
18 to put together some information for this group to look  
19 at, to say, what does that mean, as far as us charging for  
20 annual inspections? And how would we draft the fee  
21 schedule for the charging of annual inspections?

22           Again, that would be us doing some legwork,  
23 saying, okay, here is what other states do. Here's what  
24 other cities do. Some charge, some don't. Is it  
25 something the State wants to do, getting involved with

1 charging for an annual fire safety inspection of a  
2 particular school or structure?

3 CHAIRMAN KARRER: So Bob, where would that  
4 money go though? Would it go into the State's general  
5 fund, or would you have access to it?

6 FIRE MARSHAL BARGER: Everything goes into the  
7 general fund. Everything that we make, even all the fees  
8 that we charge now, go into the State general fund, but  
9 it's kind of a balance on, again, what the office does,  
10 how much it costs us to operate, and how we kind of  
11 balance out our functions.

12 COMMITTEE MEMBER GILMORE: Mr. Chair, a quick  
13 question, Bob. Does that, is that annual fee imposed,  
14 does that obligate your office to send inspectors out to  
15 every public facility in the city every year, and would it  
16 impose a hardship on you?

17 FIRE MARSHAL BARGER: And that's part of what  
18 our research would be. That if we're going to charge fees  
19 for something, for annual inspections, yeah, we're going  
20 to be obligated to inspect that fire safety equipment.

21 COMMITTEE MEMBER BURDICK: That's a very  
22 important viewpoint. We've recently adopted a couple,  
23 just since this discussion, and as Chief Barger mentioned  
24 about the private side, the private sector that we inspect  
25 and charge for. A couple of things. One, you could do a

1 graduated program on it also, so codes for the lower  
2 buildings could be done where you, what we did is, we  
3 basically spread the payments. Say we charge a small  
4 business a hundred dollars. We charge them \$25 a year,  
5 but we only inspect them every four years. We make that  
6 very clear when we go in, so, that way they're used to  
7 paying the bill every year instead of getting a bill once  
8 every four years. You could do that.

9           My question, when you talk about the  
10 stakeholders, we, as much as we have reached out to the  
11 public, we still have obviously those stakeholders, kind  
12 of like what you're talking about doing the fire codes,  
13 they come out of the woodwork. That this is another tax,  
14 you know, it's a fee imposed, and why are we doing this?  
15 But more important for you is, this is basically  
16 government charging government in this case so you said,  
17 public to public.

18           So I think, I guess I would say, just for my  
19 opinion, go around the room. I certainly entertain that  
20 you have some kind of revenue recovery, since it's kind of  
21 an internal agreement from one department to another, and  
22 you're precluded from doing that. I think it's a good  
23 idea, but God speed and good luck over the next couple of  
24 years.

25           (Laughter.)

1 COMMITTEE MEMBER GERWITZ: You'll hear from  
2 Arizona cities and towns. I'm sure they will be really  
3 happy.

4 FIRE MARSHAL BARGER: They'll love that one.  
5 And that's one of the things we have to take into mind,  
6 because we as a State have established a minimum standard  
7 for adopting a fire code and say, you will adhere to it,  
8 and then we're going to charge you to enforce it. So  
9 there's some issues we have to think about.

10 That may be one of those things where you have  
11 stakeholders.

12 So there are local jurisdictions, and I don't  
13 know if there are any counties that charge for it, because  
14 there are some counties, how many counties there are out  
15 there that have adopted this code for the County. So, if  
16 you only have 15 counties in the State, and I know Yuma  
17 has adopted a fire code for Yuma County. Pima County,  
18 have they adopted?

19 CHAIRMAN KARRER: I don't think they did. I  
20 don't think so.

21 FIRE MARSHAL BARGER: But they have the  
22 authority to adopt a code. But it's kind of interesting,  
23 because the counties do not have fire code officials to  
24 enforce it.

25 CHAIRMAN KARRER: Exactly.

1 COMMITTEE MEMBER BURDICK: Doesn't part of  
2 Rural Metro do inspections of County facilities?

3 FIRE MARSHAL BARGER: They do --

4 COMMITTEE MEMBER BURDICK: Or is it just  
5 private? Private, okay.

6 FIRE MARSHAL BARGER: Right. Unless we have an  
7 MOU. And we've adopted some MOUs. I don't know the fee  
8 schedule for the enforcement of all those things, that  
9 Rural Metro charges fees for doing inspections, plan  
10 reviews and those kinds of things. We have a number of  
11 MOUs with local jurisdictions and fire districts to where  
12 we give them, not the responsibility but the authority to  
13 do it for the State Fire Marshal's Office in their  
14 community, to inspect the school, State, and County  
15 buildings. Recently the statute was changed to allow us  
16 to do MOUs with private for-profit fire companies. That  
17 opened the door for Rural Metro, and we currently have  
18 four separate MOUs in unincorporated areas of the County  
19 that Rural Metro is doing the administrative and the code  
20 enforcement things for the State Fire Marshal.

21 So that kind of opened it up to the private  
22 sector to do MOUs for our office. We give them our  
23 authority to do it, but it's basically through this  
24 Committee our responsibility to make sure it's still done.

25 COMMITTEE MEMBER BURDICK: But there's no

1 regulation on that. You can't regulate the fees, so they  
2 could charge whatever. There's no revenue coming to you  
3 from that?

4 FIRE MARSHAL BARGER: The statute allows for  
5 them to charge a fee, a cost recovery, but it doesn't get  
6 into allowing them to make a bunch of money off of. But  
7 it does allow them to, per our, to charge fees to do what  
8 we do. Now, they can go above and aboard that charge for  
9 annual inspections if they want, because the statute does  
10 not preclude that.

11 COMMITTEE MEMBER BURDICK: But again, the  
12 statute, again, there's nothing that comes to the State  
13 that comes from that.

14 FIRE MARSHAL BARGER: No. And that's part of  
15 the MOU process. You get to recoup and recover your cost  
16 of doing that business for the State Fire Marshal. So  
17 they can charge what we do for all the plan reviews,  
18 construction inspections and stuff, plus they have the  
19 ability to charge for the annual inspections. The State  
20 Fire Marshal does it because we're cut off by statute the  
21 items that are specific to the fees we can charge.

22 COMMITTEE MEMBER BURDICK: But see, here is  
23 where it gets into the weird areas that, I just say that  
24 they can charge, or for that matter we are. We are  
25 charging, but we have the authority to adopt a code. They



1 are operating under the State Fire Code, correct?

2 FIRE MARSHAL BARGER: Correct.

3 COMMITTEE MEMBER BURDICK: So you have to do  
4 your review and administration of the code, but there's  
5 no, so it's kind of a --

6 CHAIRMAN KARRER: And that's a sticky wicket as  
7 of right now. And I would question where the auditor gets  
8 that, you know, auditing that, you know, those would be  
9 the processes.

10 FIRE MARSHAL BARGER: We are in the process now  
11 of doing that. We have assigned a specific individual,  
12 Jim Wren (phonetic) to, and again, through the sunset  
13 audit and all. I don't know if we can go into a lot of  
14 discussion on it.

15 MS. WILLIAMS: Well, you want to be careful.  
16 Stick to your language in the item there. Do you want to  
17 bring something back to attempt a Legislative amendment?

18 FIRE MARSHAL BARGER: I think it would be best  
19 that we just move forward and let us draft some things for  
20 you all to show you exactly what's going on through the  
21 private sector, through the, our MOU process, on how they  
22 are allowed to charge fees for their inspections and the  
23 statutes that are specific to that, that say, yeah, they  
24 can, but we can't, because it says in the statute what we  
25 have to charge.

1           CHAIRMAN KARRER: Yeah, I think, unless we have  
2 an objection from this committee, let's give directions to  
3 staff to essentially look at the impacts of the  
4 Legislative amendment for authority to set the fees for  
5 regularly-scheduled inspections in State and County  
6 buildings, and bring it back at the next meeting.

7           Is there any objection to that? No. We can't  
8 do a formal motion, but I think that's correct.

9           Okay. All right. Okay. Moving right along,  
10 call to the public. This is your opportunity for the  
11 public to address this Committee.

12           Anybody have anything to say? Like, you're  
13 doing a really great job? Outstanding.

14           Announcements, and I would assume that would  
15 include future meeting dates, other information to the  
16 Board.

17           Mr. Barger, do you want to get our schedule  
18 out, or how do we do this? Do we have a regular meeting?

19           FIRE MARSHAL BARGER: That's what we need to  
20 discuss. Do we want to set a regularly-scheduled meeting  
21 once a quarter, or do we want to go on the call of the  
22 Committee Chair or the group?

23           CHAIRMAN KARRER: What's the pleasure of the  
24 Committee? I think that we've had quite a few items to  
25 address here. I would like to --

1 COMMITTEE MEMBER GERWITZ: What would be the  
2 timeline for Bob's office?

3 CHAIRMAN KARRER: That would be my question,  
4 bottom line, for you to get this ready for us to get this  
5 back?

6 FIRE MARSHAL BARGER: There's a lot of it out  
7 there, it's just compiling it. So probably May maybe,  
8 three months? And then again, If we're not in a position  
9 to do that, we can contact Randy and say we need to do a  
10 reschedule or something, but we can certainly  
11 preliminarily set the date for the next meeting.

12 There was one question I had as far as, can we  
13 back up a little bit?

14 MS. WILLIAMS: Sure, go back to the fee  
15 scheduling?

16 FIRE MARSHAL BARGER: Right. Because I know,  
17 and I want to go back to the Board of Manufactured  
18 Housing, because they have to set fees by May 15.

19 Are we relegated to that May 15th date through  
20 this Committee?

21 MS. WILLIAMS: No, you don't have a date.  
22 You're just --

23 FIRE MARSHAL BARGER: To adopt the schedule of  
24 fees.

25 MS. WILLIAMS: There's no date.

1 FIRE MARSHAL BARGER: So we can actually go to  
2 rule any time we want to raise fees. We don't have to do  
3 it specific to a date in statute like the other Board has?

4 MS. WILLIAMS: No, there's no date for the  
5 schedule of fees.

6 MR. PALMA: The only concern that I would have  
7 would be because of the rule moratorium, and I believe  
8 that is July. We'd be able to get, if it, in the event  
9 that the Committee decides to move forward with that, if  
10 we had some lead time to, so when the moratorium was  
11 lifted, we'd have already our rules package ready to go.  
12 And so, I would like some lead time before July, so I  
13 guess May, late May probably would be a good time, or  
14 mid-May. That would be the minimum time we would need.

15 MS. WILLIAMS: And it's probably better if you  
16 don't have that on for any kind of a vote, but generally  
17 what happened is, staff will send some available dates.  
18 Then you guys can respond.

19 COMMITTEE MEMBER LOUMAN: Yeah, I would suggest  
20 that when you're close to being ready, send us some  
21 available dates.

22 Mark, can I do anything?

23 COMMITTEE MEMBER BURDICK: A couple of  
24 concerns. I learned to voice my concerns in the group,  
25 but one, for me personally, to have the dates out there

1 and scheduled works very well, because the calendars get  
2 filled very quickly. And I would just say for the folks  
3 that have to travel, you know, it becomes problematic.

4           The second thing, and Richard said that also on  
5 this case, if this comes back and a pack comes forward and  
6 we're not comfortable with it, it gives us time to make a  
7 change before that. So, just a couple of items. I don't  
8 mind throwing out some dates or whatever, but I would  
9 certainly like to get those with ample lead time, because  
10 my feeling, again, no reflection on the State, but  
11 sometimes if we don't set a date, the date never comes.

12           COMMITTEE MEMBER GERWITZ: 2008.

13           CHAIRMAN KARRER: That's a good point.

14           COMMITTEE MEMBER BURDICK: But let's set some  
15 things just generally. Like maybe we're looking at a May,  
16 I don't know, quarterly or something loosely that we can  
17 say there's a little bit of structure, and then for Chief  
18 Barger's sake, I'd say that if you weren't ready, we'd  
19 send a notice to cancel the meeting, rather than --

20           MS. WILLIAMS: Well, this is to the call of the  
21 Chair or five members. I'm concerned if you set by formal  
22 action today. I don't think you can set specifics dates.

23           COMMITTEE MEMBER BURDICK: Oh, okay. Go ahead.

24           MS. WILLIAMS: But at the next meeting, if you  
25 want to bring a proposed date for following that one

1 meeting, and set up for a year in advance or however you  
2 want. That's how most agencies will do it. They will  
3 approve their schedule on an agenda and they'll say, here  
4 will be our meeting dates.

5 COMMITTEE MEMBER LOUMAN: So it's just  
6 basically added to the agenda.

7 MS. WILLIAMS: Yeah, but for purposes of today,  
8 I think it's better.

9 COMMITTEE MEMBER LOUMAN: We can set the next  
10 meeting. I can do that or --

11 CHAIRMAN KARRER: Legislature says we can set  
12 the next meeting or we can't?

13 MS. WILLIAMS: You can't by formal action  
14 today.

15 COMMITTEE MEMBER LOUMAN: Yeah, that's what I  
16 was getting at, we couldn't set it by formal action.

17 MS. WILLIAMS: But you can get some dates sent  
18 to you.

19 CHAIRMAN KARRER: Not by formal action, but I  
20 think that maybe, you know, by the end of May somewhere.

21 MS. WILLIAMS: That's okay. You can give some  
22 ideas.

23 CHAIRMAN KARRER: May 30th, how does that look?

24 MS. WILLIAMS: The best case, you can give them  
25 some ideas. And the Chair has, you can call up Mr. Barger

1 and say, this is the date I want it to be. It's the call  
2 of the Chair, and you can send an e-mail and say this is  
3 the date that's proposed.

4 CHAIRMAN KARRER: Okay.

5 MS. WILLIAMS: You can send your availability.

6 CHAIRMAN KARRER: Okay, we'll do that.

7 COMMITTEE MEMBER BURDICK: I assume we will get  
8 some of this information sent out with an appropriate time  
9 to prepare to discuss it.

10 FIRE MARSHAL BARGER: From this point on, what  
11 we will try to do is put together the packet that you have  
12 been handed today, and actually get that to you prior to  
13 the meeting.

14 MR. PALMA: Two weeks before?

15 FIRE MARSHAL BARGER: We'll try to get it out  
16 to you at least two weeks to review the proposed  
17 information, so that you won't have it right here. So  
18 anything that's in there that you have questions on, that  
19 looks like a statutory review, you can actually go on line  
20 and look at it and see how it applies and those kinds of  
21 things. So from this point on, again, we'll get the  
22 packet to you all, with copies of agenda and everything so  
23 you can look at that. I mean, agendas are set, excuse me,  
24 the agendas are set by the Chair or the recommendation of  
25 whatever information we get.

1 MS. WILLIAMS: Input from the Chair. You can  
2 do a draft in advance. You can send out: Here's what I'm  
3 thinking of putting on it, and get input.

4 FIRE MARSHAL BARGER: Because we have  
5 information from this agenda on how we're going to move  
6 forward to the next.

7 MS. WILLIAMS: Right, picking up sufficient  
8 framework to come back with.

9 CHAIRMAN KARRER: Sounds good. My people will  
10 get with your people. We'll do lunch.

11 All righty. Moving right along, is there a  
12 motion for adjournment?

13 COMMITTEE MEMBER GILMORE: So moved.

14 CHAIRMAN KARRER: By Mr. Gilmore.

15 Second?

16 COMMITTEE MEMBER KOCHANSKI: Second.

17 CHAIRMAN KARRER: Second by Mr. Richard -- I  
18 can't think of your last name.

19 COMMITTEE MEMBER KOCHANSKI: Richard Kochanski.

20 CHAIRMAN KARRER: Kochanski.

21 All those in favor say aye.

22 (Affirmative responses.)

23 CHAIRMAN KARRER: Unanimously carries. We are  
24 adjourned. Thanks for coming.

25 FIRE MARSHAL BARGER: Thank you all very much,



1 and I didn't say at the beginning, but I appreciate your  
2 willingness to sit on this Committee.

3           It's one of those things where you look at the  
4 actual statutory authority and stuff. There's a lot of  
5 things that we're required to do, but I think somebody  
6 mentioned that because of budgets and stuff over the past  
7 few years, there hasn't been an opportunity to move  
8 forward, but now we do.

9           CHAIRMAN KARRER: Let's get some good things  
10 done for the State.

11           (Whereupon the meeting concluded at 11:28 a.m.)  
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## C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings had upon the foregoing hearing are contained in the shorthand record made by me thereof, and that the foregoing pages constitute a full, true and correct transcript of said shorthand record, all done to the best of my skill and ability.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
2012.

\_\_\_\_\_  
Margaret Harcarik, Certified Reporter  
CCR No. 50281